



BellSouth Telecommunications, Inc.
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November 2, 2001

VIA HAND DELIVERY

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *Complaint of XO Tennessee, Inc. Against BellSouth
Telecommunications, Inc.*
Docket No. 01-00868

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s Objection to Discovery Response Deadline Sought by XO Tennessee, Inc. A copy of the enclosed is being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH/jej

Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In Re: *Complaint of XO Tennessee, Inc. Against BellSouth Telecommunications, Inc.*

Docket No. 01-00868

**BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTION
TO DISCOVERY RESPONSE DEADLINE SOUGHT BY
XO TENNESSEE, INC.**

On October 31, 2001, XO Tennessee, Inc. ("XO") filed a Motion to Take Discovery. In that Motion, XO seeks permission to serve very broad discovery requests which seek voluminous information including, without limitation:

all documents describing the creation, purpose, and/or funding of BellSouth Select, Inc;

all Tennessee customers who have received any benefits from BellSouth Select, Inc;

a list, on a customer by customer basis, of all goods, services or benefits of any kind provided by BellSouth Select, Inc. to any Tennessee customer and the estimated monetary value of those benefits to each customer; and

a description of how BellSouth Telecommunications, Inc. records on its books, for regulatory reporting purposes, forgone revenue associated with crediting a customer with one, two, or three months free service as part of the "Select Business" program, including the amounts recorded on a month-by-month basis, twelve months to date, and the applicable Part 32 account numbers and USOC codes.

XO also asks the Authority to require BellSouth to respond to this discovery in a mere 10 days.

BellSouth does not object to XO's request to engage in discovery in this docket.¹ Given the breadth of the requests and the voluminous nature of the information requested by XO's discovery, however, BellSouth simply cannot provide complete and accurate responses in a mere 10 days. Moreover, the Authority's rules clearly provide that discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure, *see* Rule 1220-1-2-.11(1), and the Tennessee Rules of Civil Procedure allow parties 30 days to respond to interrogatories and requests for production. *See* Tenn. R. Civ. P. 33. BellSouth, therefore, strongly objects to any requirement that BellSouth respond to these discovery requests in a mere 10 days.

The only argument XO makes in support of its request for a 10-day discovery response deadline is that the Hearing Officer has been requested to resolve the Complaint within 60 days. BellSouth is committed to cooperating with the Authority, the Staff, and the parties to accommodate this 60-day goal. In that spirit, BellSouth has started the process of responding to XO's discovery and will provide its responses as quickly as possible -- hopefully before the 30-day period provided by the rules has expired. Given the severity of the allegations levied against it in the Complaint and the voluminous nature of the discovery sought by XO, however, BellSouth cannot agree to the imposition of a deadline that is less than the 30 days to which it is entitled.

¹ BellSouth, of course, reserves the right to object to specific discovery requests served by XO.

The Authority, therefore, should deny XO's request to impose a 10-day deadline for BellSouth to respond to discovery in this docket and provide BellSouth the full 30 days set forth in the applicable rules.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

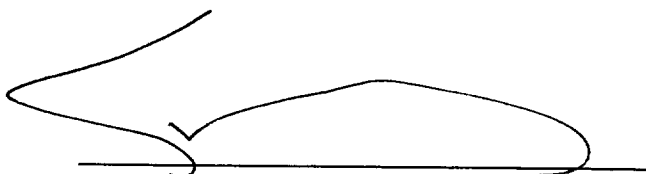
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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☒ Facsimile
- ☐ Overnight

Henry Walker, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062

A handwritten signature in black ink, appearing to be "H. Walker", written over a horizontal line.